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NOT FOR PUBLICATION

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Heather Joy Squires; Jason Duffy Squires,) No. CV-09-1170-PHX-FJM

Plaintiffs,) **ORDER**

VS.

Bonificio Gonzalez, et al.,

Defendants.

16 The court has before it defendants' motion to dismiss George Gascon and all unnamed
17 City of Mesa police officers (doc. 3). Defendants contend that dismissal is warranted under
18 Rule 12(b)(6), Fed. R. Civ. P., because the complaint fails to state a claim upon which relief
19 can be granted. Plaintiffs have not responded and the time for doing so has expired. Failure
20 to file an answering memorandum "may be deemed a consent to the . . . granting of the
21 motion and the Court may dispose of the motion summarily." LRCiv 7.2(i).

22 Therefore, **IT IS ORDERED GRANTING** defendants' motion to dismiss all claims
23 against George Gascon and all unnamed City of Mesa police officers (doc. 3).

24 DATED this 10th day of July, 2009.

Frederick J. Martone

**Frederick J. Martone
United States District Judge**